

NJ School Board Legislative Update: May 16, 2023

Assembly and Senate Committees Approve Teacher Shortage Bills; Governor Signs Nonresident Tuition Bill

May 11 marked a busy day for the state Legislature as six committees met to advance various pieces of legislation concerning PreK-12 education. Among the measures were seven bills passed by the Assembly Education Committee designed to address the teacher shortage and a bill passed by the Assembly State and Local Government Committee that would change various election dates and timelines. Additionally, on May 15, Gov. Phil Murphy signed two education bills into law. Details follow below.

Assembly Education Committee

The Assembly Education Committee met to advance seven of the 12 bills in Chairwoman Pamela Lampitt's legislative package designed to address the ongoing teacher shortage, including the following.

- ***Expedited Certification Route for Paraprofessionals:*** A-5416 would require the State Board of Education to authorize an alternate, expedited route to teacher certification for paraprofessionals and instructional assistants. In developing the requirements for that expedited certification, the commissioner of education would be required to consult with representatives of the education community, including the New Jersey School Boards Association. The expedited route would include a formula for applying direct classroom service to any student teaching requirements, a formula for a GPA waiver, and "a requirement that the school district in which the candidate is currently employed permit the candidate to perform any required student teaching in the school district while, if possible, continuing employment as a paraprofessional or an instructional assistant." The NJSBA requested an amendment to ensure that the above-quoted requirement regarding simultaneous service as a student teacher and a paraprofessional/instructional assistant is not construed to require a school district to offer a paraprofessional pursuing teacher certification a spot as a student teacher. The bill next heads to the full Assembly for further consideration.
- ***Ensuring Transfer of County College Credits to Meet EPP Requirements:*** A-5417 would prohibit educator preparation programs from restricting the number of county college professional education credits that may be used to meet the requirements of an educator preparation program, except as may be required by the EPP's accrediting organization. The bill would also prohibit the New Jersey Department of Education from restricting the number county college credits in professional education that can be accepted toward meeting teacher certification requirements, provided that the credits are accepted by an EPP (in April 2023, the State Board of Education adopted amendments to its certification regulations that removed the

six-credit limit on courses in professional education completed on the two-year college level). The bill next heads to the Assembly Higher Education Committee for further consideration.

- ***Teacher Certification Reimbursement Fund:*** A-5418 would establish the “Teacher Certification Reimbursement Fund” in the NJDOE. The fund would reimburse costs associated with certification for new teachers and teachers seeking an additional endorsement. Costs eligible for reimbursement would include, but not be limited to, those associated with fingerprinting requirements, testing requirements, and certification fees. The bill next heads to the Assembly Higher Education Committee for further consideration.
- ***Eliminating the “Basic Skills” Requirement:*** A-5419 would eliminate the requirement that candidates for instructional certificates complete a DOE-approved test of basic reading, writing and mathematics skills, including but not limited to the Praxis Core Academic Skills for Educators test. The bill next heads to the full Assembly for further consideration.
- ***Student Teacher Educator Stipend Program*** A-5420 would establish the New Jersey Student Educator Stipend Program in the Higher Education Student Assistance Authority. Under the program, HESAA, in coordination with the NJDOE, would award stipends of \$7,200 to eligible students for each semester of full-time clinical practice completed by the student, for up to two semesters. The bill next heads to the Assembly Appropriations Committee for further consideration.
- ***Special Ed, Bilingual, and K-8 Endorsements*** A-5421 would require the NJDOE to establish endorsements to the instructional certificate in the following areas:
 - Students with Disabilities Preschool through Grade 12: authorize the holder to teach students with disabilities, with the exception of students who are blind or visually impaired or deaf or hard of hearing, in all public schools and in all grade levels.
 - Kindergarten through Grade 8: authorize the holder to teach all K-6 students and specialty subjects on the face of the certificate to students in grades 7 and 8.
 - Bilingual and Bicultural Preschool through Grade 12: authorize the holder to teach bilingual and bicultural education in all grade levels.

The bill next heads to the full Assembly for further consideration.

- ***Extending Flexibility to Hire Retirees*** A-5422 would extend, to teachers hired in the 2023-2024, the flexibilities signed into law in January 2022 (L.2021, c.408) allowing districts to temporarily hire teachers and professional staff members who retired from TPAF without reenrollment in the TPAF. The bill next heads to the Assembly Appropriations Committee for further consideration. Its Senate counterpart, S-3798, also earned committee approval from the Senate Budget and Appropriations Committee later in the day.

In addition to the above bills from the chairwoman’s teacher shortage package, the committee also approved:

Tax Deduction for Classroom Supplies: A-2227 would allow educators to deduct from their gross income for the taxable year up to \$250 in unreimbursed expenses for the purchase of classroom supplies. K-12 teachers, counselors, principals, and aides that provide at least 900 hours of service in a public or private schools would be eligible. The bill next heads to the Assembly Appropriations Committee for further consideration. Its Senate counterpart, S-1980, has not yet moved. NJSBA supports the bill.

Learning Acceleration Grant Program A-5378 would establish a grant in the NJDOE to “increase student instructional time and accelerate student learning through the implementation of high-quality, evidence-based interventions and programs that address the academic, social, and emotional needs of students.” The grant would be designed to help districts “augment” interventions and programs supported by American Rescue Plan Elementary and Secondary School Emergency Relief funds that increase student instructional time and accelerate learning. Under the program, an approved school district would receive a grant in an amount equal to 50% of the amount the district dedicated from its ARP ESSER 90% subgrant to such interventions and programs, excluding the 20% portion of the ARP ESSER subgrant that districts are required to spend on learning loss. Eligible school districts are those for which “among all students in the district or school to whom a state assessment was administered, the sum of the percent of students in the ‘did not yet meet expectations’ and the ‘partially met expectations’ categories in the English language arts or mathematics subject areas increased according to the most recently administered state assessments for which data is available, compared to the corresponding sum in the 2018-2019 school year.” The bill would cap the program at \$200 million statewide, funded “to the extent permitted by federal law” by ARP. The bill next heads to the Assembly Appropriations Committee for further consideration.

Assembly Transportation and Independent Authorities Committee

The committee approved the following school-related measures:

Non-CDL Drivers for Small School Buses A-4835, which is intended to alleviate the school bus driver shortage, would create a new “Type S School Bus Certificate” to be issued by the New Jersey Motor Vehicle Commission. The certificate would authorize a person to operate a Type S school bus to transport children to and from school without obtaining a commercial driver’s license, passenger endorsement, or school bus endorsement. A Type S bus is a school transportation vehicle that has a gross vehicle weight rating of 3,000 pounds or more, and which was originally designed by the manufacturer with a maximum seating capacity of nine passengers or less, excluding the driver.

The bill would establish the following eligibility requirements for the Type S School Bus Certificate:

- Be at least 21 years old.
- Has held a valid basic driver’s license for a minimum of three years.
- Has passed a physical and eye examination.

- Has completed and passed a knowledge examination pursuant to existing law.
- Has completed the training program established on appropriate procedures for interacting with students with special needs.
- Has completed any other conditions as determined by the NJMVC in collaboration with the commissioner of education.

The bill would also subject Type S bus drivers to various provisions of law applicable to other school bus drivers, such as criminal history record check requirements and various offenses that disqualify someone from serving as a bus driver.

Other provisions of law that would be amended to include Type S bus drivers include:

- Consequences of knowingly operating a bus transporting students while the driver’s driving privileges have been suspended or revoked.
- Consequences of leaving a pupil on the bus at the end of the driver’s route.
- Consequences of certain motor vehicle violations.

The bill would also establish a new 10-hour training course that all bus drivers – CDL holders and holders of the Type S Certificate – would be required to complete if their endorsement/certificate is suspended for accumulating a certain number of motor vehicle penalty points or for being convicted of a certain number of motor vehicle moving violations.

A-4835 is the Legislature’s latest attempt at providing flexibility in the licensing of school bus drivers. A separate bill, A-3565/S-2152/S-1682, moved this past summer that would have allowed holders of a noncommercial driver’s license to drive a Type S school bus if they completed certain training requirements. There has been no action on that bill since it passed the Assembly on June 16. The NJSBA supported that bill at the time, and supports this legislation as well, recognizing that COVID-19 has exacerbated longstanding challenges posed to district operations by nationwide school bus driver shortages. A-4835 next heads to the Assembly floor for further consideration. Its Senate counterpart, S-3203 was approved by the Senate Transportation Committee Oct. 27, 2022.

Extend Service Life of School Buses A-5329 would extend the service life of school buses from 15 years to 20 years, while specifying that it does not “allow the use of any school bus for pupil transportation purposes if that school bus is determined to be unsafe or unfit for pupil transportation.” The bill next heads to the Assembly Appropriations Committee for further consideration. Its Senate counterpart, S-3734, has not yet moved.

Assembly Women and Children Committee

The committee approved the following:

Access to Menstrual Products A-1349/S-1221 would require school districts to ensure that students in each school serving any of the grades 6-12 have direct access to menstrual products in at least half of female and gender-neutral school bathrooms (if applicable) free of charge. The state would be required to pay the cost of providing these products. The NJDOE, in conjunction with the New Jersey Department of Health, would be required to periodically review and assess whether the provision of free menstrual products meets the needs of menstruating students, and, if necessary, make recommendations regarding the expansion of access to menstrual products to students below grade six. The Senate approved S-1221 Dec. 19, 2022; both bills now head to the Assembly Education Committee for further consideration.

Child Abuse Detection and Prevention Training: A-2831 would take various steps designed to assist the New Jersey Department of Children and Families in detecting, investigating, and preventing incidents of child abuse and neglect during a public health emergency. Regarding school district policy, the bill would require the NJDOE and the NJDCF to develop an online training program for school employees on the detection and prevention of child abuse, including during a public health emergency that requires remote learning or other restrictions on in-person contact. The program would be made available to all school districts in the state free of charge to assist districts in meeting current requirements to train employees on the identification, detection, reporting, and response to issues of child abuse, such as those at *NJSA 18A:36-25* and the NJDOE's implementing regulations *NJAC 6A:16-11.1(a)8*.

The bill would also require that during a public health emergency that requires remote learning, social distancing, or other restrictions on person-to-person contact, school districts:

- Allow students and their families to remotely access information about NJDCF's Family Helpline and other hotlines that offer support for children at risk of child abuse or neglect and their families.
- Provide a remote behavioral health assessment to every student who is deemed at-risk of child abuse or neglect as determined by a school psychologist, school counselor, or school social worker.

The bill next heads to the Assembly Appropriations Committee for further consideration. Its Senate counterpart, S-2664, has not yet moved.

Assembly Science, Innovation and Technology Committee

NJ STEM Scholars Grant Pilot Program A-165 would establish a four-year "New Jersey STEM Scholars Grant Pilot Program" in NJDOE to assist school districts, charter schools and renaissance schools in enhancing and increasing access to science, technology, engineering, and mathematics education programs. The program would provide competitive grants to school districts in three concentration areas of project-based learning, afterschool STEM and out-of-school STEM. As part of

their application, school districts would be required to provide a plan for sustaining the programs financially beyond the grant period.

Assembly State and Local Government Committee

Moving Up April Election Second Question Certification Deadline A-5175 would make changes to various general election deadlines. Among the changes, the bill would move up the deadline for April election boards of education to certify second questions with the county clerk. Specifically, the bill would change that deadline from 18 days before the April election to 60 days before the election.

Recognizing the conflict this change would pose with school districts' budget timelines – specifically that it would essentially deprive April election districts of the ability to put up second questions by establishing a certification deadline before school districts receive their state aid notices – the NJSBA, in consultation with the New Jersey Association of School Business Officials, is seeking amendments to remove this provision from the bill. The committee advanced the bill without making the proposed amendments. It next heads to the Assembly Appropriations Committee for further consideration.

Bills Signed by the Governor

On May 15, Murphy signed the following bills into law:

Tuition for Nonresident Students S-3349/A-5327 (P.L.2023, c.61) requires boards of education to charge all nonresident students admitted to the district a uniform tuition amount, with exceptions for county vocational technical schools, children of teaching staff members, certain children of members of the New Jersey National Guard or reserve component of the armed forces (as allowed under current law), or pursuant to any federal law, state law, regulation, or court order governing tuition charges. The bill requires executive county superintendents to approve the uniform tuition amount. The law goes into effect in the 2023-2024 school year.

Lyme Disease Prevention Instruction S-2463/A-4820 (P.L.2023, c.60) requires school districts to incorporate guidelines developed by the NJDOE regarding instruction in prevention of Lyme Disease and other tick-borne diseases into their Comprehensive Health and Physical Education curricula in grades K-12. The law also updates the topics that must be included in the NJDOE's guidelines to include "the biology of various tick species, tick habitats, a list of diseases transmitted by ticks, recommended attire and repellants to help protect an individual from ticks, how to perform tick checks, and symptoms an individual may experience after receiving a tick bite." As part of their incorporation of NJDOE's guidelines, districts will be required to "consult resources from multiple nationally-recognized organizations with expertise in Lyme Disease or other tick-borne diseases." The law goes into effect in the 2023-2024 school year.